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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/776,742

02/11/2004

Ronald S. Cok

84604AAJA

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7590

10/30/2007

Paul A. Leipold  
Patent Legal Staff  
Eastman Kodak Company  
343 State Street  
Rochester, NY 14650-2201

EXAMINER

RAABE, CHRISTOPHER M

ART UNIT

PAPER NUMBER

2879

MAIL DATE

DELIVERY MODE

10/30/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/776,742	COK, RONALD S.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Christopher M. Raabe	2879	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

Art Unit: 2879

### DETAILED ACTION

1. Applicant's submission, filed November 30, 2006 has been entered and acknowledged by the examiner.

2. In view of the appeal brief filed on November 30, 2006, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

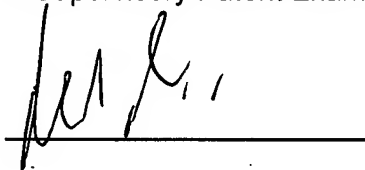
To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing

below:



### *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Atchinson et al. (USPN 6371637).

With regard to claim 1,

Atchinson et al. disclose in at least figures 1 and 10 and column 4, lines 1-25 a method for providing a replaceable light source comprising the steps of: manufacturing a light source (32) on a flexible substrate (37) in a substantially two-dimensional configuration; and flexing and removably placing the light source (20) in a curved three dimensional configuration within a lighting fixture (not shown).

While Atchinson et al. do not disclose the method of shipping the light source, it was a well known and widely used practice to those of ordinary skill in the art to ship a two-dimensional product in a two dimensional configuration to simplify packing, and therefore would have been obvious to the same.

With regard to claim 2,

Atchinson et al. disclose the method claimed in claim 1. While Atchinson et al. do not disclose the package used in shipping, it was a well known and widely used practice to pack a substantially two dimensional object in a flat package to save space while protecting the product during shipping, and therefore would have been obvious to the same.

With regard to claim 3,

Atchinson et al. disclose the method claimed in claim 2. While Atchinson et al. do not disclose the shipping method, Atchinson et al. do disclose producing a plurality of sources and

Art Unit: 2879

the end user utilizing the plurality of sources, therefore it would have been obvious to one of ordinary skill in the art to ship the product in a package containing a plurality of light sources in order to reduce shipping costs.

With regard to claim 4,

Atchinson et al. disclose the method claimed in claim 3, wherein a portion of the plurality of light sources may be removed from a package.

With regard to claim 5,

Atchinson et al. disclose the method claimed in claim 2 wherein the light source may be removed from a package and mounted in the lighting fixture by holding and manipulating the light source by the edges of the light source.

With regard to claim 17,

Atchinson et al. disclose in at least figures 1 and 10 and column 4, lines 1-25 a method for providing a replaceable light source comprising the steps of: manufacturing a plurality of light sources (32) on one or more flexible substrates (37) in substantially two-dimensional configurations; forming a sequentially attached plurality of the light sources (32) into a cylindrical roll; detaching one or more of the light sources (32) from the roll; and flexing and removably placing the detached light source (32) in a curved three dimensional configuration within a lighting fixture.

While Atchinson et al. do not disclose shipping the roll of light sources, this practice was well known to and widely used by those of ordinary skill in the art at the time of the invention to provide a product to a customer, and therefore would have been obvious to the same.

Art Unit: 2879

With regard to claim 26,

Atchinson et al. disclose in at least figures 1 and 10 and column 4, lines 1-25a method for providing a replaceable light source comprising the steps of: manufacturing a plurality of light sources (32) on one or more flexible substrates (10) in substantially two-dimensional configurations; forming a sequentially attached plurality of the light sources (32) into a stack; detaching one or more of the light sources (32) from the stack; and flexing and removably placing the detached light source (32) in a curved three dimensional configuration within a lighting fixture.

While Atchinson et al. do not disclose the stack to be accordion-folded, nor shipping the light sources, forming an accordion-folded stack from a substantially two-dimensional flexible product was a practice well known to and widely used by those of ordinary skill in the art at the time of the invention to provide a more compact product for packaging and therefore would have been obvious to the same. Additionally shipping a product was a practice well known to and widely used by those of ordinary skill in the art at the time of the invention to provide a product to a customer, and therefore would have been obvious to the same.

With regard to claims 18,27,

Atchinson et al. disclose additionally in column 9, lines 10-20 the method claimed in claim 17 and 26, further comprising the step of providing a plurality of light sources packaged in a roll (stack) and electrically connected in parallel and means to detach and provide power to groups of individual light sources electrically connected in parallel.

With regard to claim 19,28,

Art Unit: 2879

Atchinson et al. disclose additionally in column 9, lines 10-20, the method claimed in claim 17 and 26 further comprising the step of providing a plurality of light sources packaged in a roll (stack) and electrically connected in series and means to detach and provide power to groups of individual light sources electrically connected in series.

With regard to claims 20,21,29,30,

Atchinson et al. disclose the method claimed in claim 17 and 26, wherein the sequential attachment is provided by a common flexible substrate/backing layer (37).

With regard to claims 6-16,22-25,31-34,

Atchinson et al. disclose the method of claim 1, 17, and 26. While Atchinson et al. do not disclose providing a package (the obviousness of this was addressed in the rejection of claim 2) the method of distribution (vending machine or mail-order) or the method of inducing sale (providing a separable plurality of individual products with a dispenser, packaging separate components together, ostensibly offering one of the components free with purchase of the other, advertising, providing a testable product, inducing repeat business via customer deposit), these practices were well known to and widely used by those of ordinary skill in the art at the time of the invention to increase sales and therefore would have been obvious to the same.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. USPN 4173035, 3894225, 4439818, 5559681.

Art Unit: 2879


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M. Raabe whose telephone number is 571-272-8434. The examiner can normally be reached on m-f 7am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on 571-272-2457. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CR

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NIMESHKUMAR D. PATEL  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800